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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,060	08/30/2006	Ryusuke Fujiyoshi	DK-US040214	6483

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EXAMINER	
ROGERS, LAKIYA G	

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3744	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,060	FUJIYOSHI ET AL.	
	Examiner	Art Unit	
	LAKIYA ROGERS	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2009*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) *3,5-8 and 19-38* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4 and 9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/24/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. **Claims 3, 5-8, and 19-38** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group and/or species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/29/2009. **Claims 1-2, 4, and 9-18** remain pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 08/24/2009 was filed after the mailing date of the requirement for election/restriction mailed on 5/7/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 7395677 Claim 1 recites an air conditioning system configured to treat a latent heat load and a sensible heat load in a room by performing a vapor compression refrigeration cycle operation, comprising (see lines 1-3 of claim 1 of the patent): a plurality of first utilization side refrigerant circuits each having an adsorbent heat exchanger provided with an adsorbent on a surface thereof (see lines 5-6 of claim 1 of the patent), configured for alternating between an adsorption process in which moisture in air is adsorbed onto the adsorbent by causing the adsorbent heat exchanger to function as an evaporator that evaporates refrigerant and a regeneration process in which moisture is desorbed from the adsorbent by causing the adsorbent heat exchanger to function as a condenser that condenses the refrigerant (see lines 6-14 of claim 1 of the patent), and connected in parallel with one another; and a plurality of second utilization side refrigerant circuits each having an air heat exchanger, configured for exchanging heat between refrigerant and air (see lines 1-5 of claim 3 of the patent), and connected in parallel with one another, the first utilization side refrigerant circuits being configured to supply a room with air that passed through the adsorbent heat exchanger (see lines 24-26 of claim 1 of the patent), and the second utilization side refrigerant circuits being configured to supply a room with air that passed through the air heat exchangers (see lines 10-12 of claim 3 of the patent).

Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the set of claims is an obvious difference. Specifically, the difference between the scope of claims 1-2 of this application and patented

claim 3 of US 7395677 is that the plurality of first and second utilization side refrigerant circuits having heat exchangers connected in parallel with one another.

However, it would have been obvious to a person of ordinary skill in the art at the time of invention to configure the circuits to be connected in parallel because it is well known in the art that parallel circuit connections help to minimize pressure drops in turn allowing the system to have smaller, lower cost piping.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to arrange the plurality of first and second utilization side refrigerant circuits of the air conditioning system claimed in US 7395677 in parallel with one another in order to minimize pressure drops and to be able to incorporate smaller, lower cost piping.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes (US 4793143).

Regarding claim 1, Rhodes teaches in Fig. 9 an air conditioning system capable of treating a latent heat load and a sensible heat load in a room by performing a vapor compression refrigeration cycle operation comprising: a plurality of first utilization side refrigerant circuits (indicated as "A" in annotated Fig. 9 below) each having an absorbent heat exchanger (12,14) capable of alternating between an absorption process in which moisture in air is adsorbed onto

the adsorbent by causing the adsorbent heat exchanger to function as an evaporator that evaporates refrigerant (Col. 17, lines 15-23) and a regeneration process in which moisture is desorbed from the adsorbent by causing the adsorbent heat exchanger to function as a condenser that condenses the refrigerant and connected in parallel with one another (Col. 11, lines 63-67); and a plurality of second utilization side refrigerant circuits (indicated as "B" in annotated Fig. 9 below) capable of exchanging heat between refrigerant and air and connected in parallel with one another, the first utilization side refrigerant circuits being capable of supplying a room with air that passed through the adsorbent heat exchanger and the second utilization side refrigerant circuits being capable of supplying a room with air that passed through the heat exchangers.

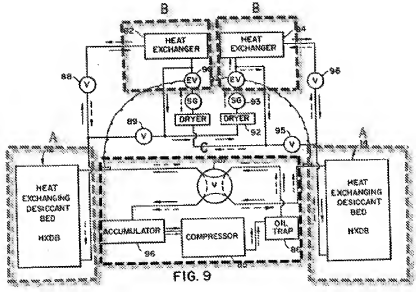

FIG. 9

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 2, 4, and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US 4793143).

Regarding claim 2, Rhodes teaches the invention as recited above and further teaches the air conditioning system further comprising a heat source side refrigerant circuit (indicated as "C" in annotated Fig. 9 below) including a compression mechanism (85) the heat source side refrigerant circuit being used as a heat source (by way of heated refrigerant from compressor) by both the first and second utilization side circuits, the first utilization side refrigerant circuits being connected to a discharge gas connection pipe (piping between compressor 85, oil trap 86, and valve 87) connected to a discharge side of the compression mechanism (85) and being connected to an inlet gas connection pipe (piping between valve 87 and accumulator 96) connected to an inlet side of the compression mechanism (85, by way of piping and accumulator).

Rhodes fails to explicitly teach a heat source side heat exchanger in the heat source side refrigerant circuit.

However, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify the system of Rhodes to replace the accumulator (96) with a heat exchanger in order to ensure that mixed phase refrigerant is in the liquid phase before being sent to the inlet of the compressor. A person of ordinary skill in the art at the time of invention would recognize that incorporating a heat exchanger in this manner will ensure any gas of a mixed phase refrigerant is condensed before entering the compressor in order to prevent compressor damage in turn maximizing the life of the compressor.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of invention to modify the system of Rhodes to replace the accumulator in the heat source side refrigerant circuit with a heat exchanger in order to prevent compressor damage and in turn maximize the life of the compressor.

Regarding claim 4, Rhodes as modified above teaches the invention as recited above and further teaches that the second utilization side refrigerant circuits ("B") are connected to a liquid connection (piping between heat exchangers 82,84 and desiccant heat exchangers 12,14 depending on operating mode) that is connected to a liquid side of the heat source side heat exchanger (by way of piping and valve 87) and switchably connected to the discharge gas connection pipe and the inlet gas connection pipe through a switching mechanism (valve 87).

Regarding claim 12, Rhodes as modified teaches the invention as recited above and further teaches that a switching time interval between the adsorption process and the regeneration process in the adsorbent heat exchanger is changeable.

Although not explicitly taught, Rhodes teaches that the system operates alternatively in the adsorbing and desorbing operating modes (Col. 11, lines 63-67). Rhodes further teaches that when the desiccant bed modules are saturated in excess of 40% by weight of the desiccant material, the system reverses and cycles through an adsorption phase (Col. 12, lines 8-15).

Therefore, a person of ordinary skill in the art at the time of invention would recognize that amount of time that it takes for the desiccant bed modules to become saturated in excess of 40% by weight of the desiccant material varies based on the conditions of the air. In turn, Rhodes implicitly teaches that a switching time interval between the adsorption and regeneration processes is changeable based on the properties of the air.

Regarding claim 13, Rhodes teaches the invention as recited above and further teaches that at system startup a room is supplied with air passed through the air heat exchanger and outdoor air is prevented from passing through the adsorbent heat exchanger (Col. 17, lines 6-12 and Col. 11, lines 52-62).

Although not explicitly taught, a person of ordinary skill in the art at the time of invention would recognize that the system supplies air to a room at startup because Rhodes does not make a distinction, implicitly or otherwise, between operation at startup and continuous operation. Therefore, it is understood that the system operates in the same manner at both startup and during continuous operation.

9. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US 4793143) in view of Worthington (US 4984433).

Regarding claim 9, Rhodes as modified teaches the invention as recited above but fails to explicitly teach that the air conditioning system is configured to calculate a required latent

heat treatment capacity value and a required sensible heat treatment capacity value in order to control an operational capacity of the compression mechanism based on a required latent heat treatment capacity value and a required sensible heat treatment capacity value.

However, Worthington teaches an air conditioning system that has a first sensor monitoring the dry bulb temperature and a second sensor monitoring the moisture content of the air, and both sensors communicate the monitored data to a microprocessor that adjusts the system to achieve the desired air temperature properties (Col. 2, lines 42-56). Worthington further teaches that the microprocessor evaluates the data and adjusts the system based upon the condition of the air being treated and energy requirements are thereby minimized (Col. 2, lines 53-56). Although not explicitly taught, a person of ordinary skill in the art at the time of invention would recognize that the microprocessor is capable of calculating the required sensible and latent capacity value in order to adjust the system based upon the condition of the air being treated.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify the system of Rhodes to be capable of calculating a required latent heat treatment capacity value and a required sensible heat treatment capacity value in order to control an operational capacity of the compression mechanism based on a required latent heat treatment capacity value and a required sensible heat treatment capacity value in order to provide for a more energy efficient system in view of the teaching of technique by Worthington.

Regarding claim 10, Rhodes as modified above teaches the invention as recited above and Worthington further teaches that the air conditioning system is capable of calculating a target evaporation temperature and a target condensation temperature of the system as a whole based

on a required latent heat treatment capacity value and the required sensible heat treatment capacity value in order to control the operational capacity of the compression mechanism based on a target evaporation temperature and a target condensation temperature.

Although not explicitly taught, Worthington teaches an air conditioning system that has a first sensor monitoring the dry bulb temperature and a second sensor monitoring the moisture content of the air, and both sensors communicate the monitored data to a microprocessor that adjusts the system to achieve the desired air temperature properties (Col. 2, lines 42-56). Worthington further teaches that the microprocessor evaluates the data and adjusts the system based upon the condition of the air being treated and energy requirements are thereby minimized (Col. 2, lines 53-56). A person of ordinary skill in the art at the time of invention would recognize that the system taught by Worthington determines enough of the psychometric properties of the air in the conditioned space in order to be capable of operating the air conditioning system as recited above.

Regarding claim 11, Rhodes as modified above teaches the invention as recited above and Worthington further teaches that the air conditioning system is capable of calculating an evaporation temperature difference between the target evaporation temperature and an evaporation temperature and to calculate a condensation temperature difference between the target condensation temperature and a condensation temperature in order to control the operational capacity of the compression mechanism based on the evaporation temperature difference and the condensation temperature difference.

Although not explicitly taught, Worthington teaches an air conditioning system that has a first sensor monitoring the dry bulb temperature and a second sensor monitoring the moisture

content of the air, and both sensors communicate the monitored data to a microprocessor that adjusts the system to achieve the desired air temperature properties (Col. 2, lines 42-56). Worthington further teaches that the microprocessor evaluates the data and adjusts the system based upon the condition of the air being treated and energy requirements are thereby minimized (Col. 2, lines 53-56). A person of ordinary skill in the art at the time of invention would recognize that the system taught by Worthington determines enough of the psychometric properties of the air in the conditioned space in order to be capable of operating the air conditioning system as recited above.

10. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US 4793143) in view of Maeda (US 6205797) and Belding et al. (US 6050100).

Regarding claim 14, Rhodes teaches the invention as recited above but fails to explicitly teach that at system startup, in a state in which switching between the adsorption process and the regeneration process in the plurality of adsorbent heat exchangers is stopped, outdoor air is passed through one of the plurality of adsorbent heat exchangers and then is exhausted to the outside, and also room air is passed through an adsorbent heat exchanger among the plurality of adsorbent heat exchangers, besides the one through which the outdoor air is passed, and then is supplied to a room again.

However, Maeda teaches in Fig. 5 an air conditioning system incorporating the equivalent technique of adjusting the flow rate of the regeneration air (outside air) in proportion to the rotational speed of the compressor, which is increased, at the startup of the system (Col. 12, lines 33-43) and also passing room air (process air) through an adsorbent heat exchanger (103) and then supplying the air to a room again (airflow 112). Maeda further teaches that this

technique is used at startup when the desiccant is loaded with moisture and the desorbing capability has been degraded (Col. 12, lines 33-36). A person of ordinary skill in the art at the time of invention would recognize that the technique taught by Maeda is equivalent to the technique claimed because they both allow the system to compensate for the large amounts of moisture retained when the system was not operating in order to make sure the system has the capacity to adequately condition air introduced to the system at startup.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to pass outdoor air through one of the plurality of adsorbent heat exchangers and then is exhausted to the outside and room air is passed through an adsorbent heat exchanger and passing room air through an adsorbent heat exchanger and then supplying it to a room again at system startup in view of the teaching of the equivalent technique by Maeda in order to compensate for the large amounts of moisture retained by the adsorbent when the system was not operating for a more efficient system at startup.

As modified, Maeda fails to explicitly teach that the room air is passed through an adsorbent heat exchanger besides the one through which the outdoor air is passed.

However, Belding teaches in Figs. 1 and 6 an air conditioner system having a desiccant wheel (8) made up of four heat exchanging sections (quadrants I-IV; Col. 9, lines 18-33). Belding further teaches that this configuration results in drier air which results in greater heat exchange capacity (Col. 9, lines 35-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to further modify the system of Rhodes to include a desiccant heat exchanger having

four heat exchanging sections in order to result in drier air for a greater heat exchange capacity in view of the teaching of the technique by Belding.

A person of ordinary skill in the art at the time of invention would further recognize that as modified, the room air is passed through an adsorbent heat exchanger (one of the quadrants I-IV) besides the one through which the outdoor air is passed.

11. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US 4793143) in view of Maeda (US 6205797).

Regarding claim 15, Rhodes teaches the invention as recited above but fails to explicitly teach that at system startup, a switching time interval between the adsorption process and the regeneration process in the adsorbent heat exchanger is made longer than that during normal operation.

However, Maeda teaches the equivalent technique of bypassing process air so as to suppress moisture adsorption on the desiccant while allowing the desiccant to be regenerated at startup (Col. 6, lines 52-61). A person of ordinary skill in the art at the time of invention would recognize that the technique taught by Maeda is equivalent to the technique as claimed because they both allow the system to adjust in order to compensate for the large amounts of moisture retained by the adsorbent when the system was not operating in order to make sure the system has the capacity to adequately condition air introduced to the system at startup. Maeda further teaches that this technique improves the startup characteristics of the system (Col. 6, lines 52-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify the system of Rhodes to make the switching time interval between the

adsorption and regeneration processes longer than normal at system startup in order to compensate for the large amounts of moisture retained by the adsorbent when the system was not operating for a more efficient system at startup.

12. **Claims 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US 4793143) in view of Takahashi et al. (US 5547018).

Regarding claim 16, Rhodes teaches the invention as recited above but fails to explicitly teach that a system startup operation is terminated after a predetermined period of time elapsed since system startup.

However, Takahashi teaches in Fig. 7 an air conditioner having a control means (60) that has an operation start/stop judgment section (41) and a timer section (47). Takahashi further teaches that when the operation of the air conditioner is started the timer is switched (in step ST1) and when it has been determined that a predetermined time has passed, the next step (rotating the air adjusting plate) takes place (Col. 15, lines 15-34). Takahashi teaches that this configuration allows the heat exchangers to reach a suitable temperature for thermoregulating room air to a desired temperature, resulting in a more efficient air conditioner (Col. 15, lines 57-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to further modify the system of Rhodes to terminate startup operation after a predetermined period of time has elapsed since system startup in order to provide a more efficient air conditioning system in view of the teaching of the technique by Takahashi.

Regarding claim 17, Rhodes teaches the invention as recited above but fails to explicitly teach that a system startup operation is terminated after a temperature difference between a target

temperature of room air and a temperature of room air is equal to or below a predetermined temperature difference.

However, Takahashi teaches in Fig. 11 an air conditioner having a control means (80), start/stop judgment section (41) and a room temperature /set room temperature comparing section (50) for comparing a set room temperature and a real room temperature with each other (Col. 17, lines 21-25). Takahashi also teaches in Fig. 12 that if the difference between the set room temperature and the room temperature is equal to a positive value then the startup operation is terminated (air quantity adjusting plate is rotated; see ST3). Takahashi further teaches that this configuration performs room air conditioning so that a desired room temperature is kept (Col. 18, lines 12-16).

Therefore, it would have been obvious to a person of ordinary skill in the art a the time of invention to further modify the system of Rhodes to terminate system startup after a temperature difference between a target temperature of room air and a temperature of room air is equal to or below a predetermined temperature difference in order to efficiently perform room air conditioning so that a desired room temperature is kept in view of the teaching of the technique by Takahashi.

13. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes (US 4793143) in view of Manson et al. (US 5590831).

Regarding claim 18, Rhodes teaches the invention as recited above but fails to explicitly teach that before a system startup operation starts, a temperature difference between a target temperature of room air and a temperature of room air is determined, and when the temperature difference between the target temperature of room air and the temperature of room air is equal to

or below a predetermined temperature, the system startup operation is prevented from being performed.

However, Manson teaches in Fig. 10 an air conditioner having an auto cool setting wherein before system startup (air conditioner is off) a temperature difference between a target temperature of room air (set point) and a temperature of room air (temp.) is determined and when that difference is equal to 0°C the system startup operation is prevented from being performed (compressor off). A person of ordinary skill in the art at the time of invention would recognize that this configuration allows the system to operate only when needed in turn preventing over cooling of the air which wastes energy.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to further modify the system of Rhodes to determine a temperature difference between a target temperature of room air and a temperature of room air before a system startup operation starts, and when the temperature difference between the target temperature of room air and the temperature of room air is equal to or below a predetermined temperature, the system startup operation is prevented from being performed in order to prevent overcooling of the space and wasting energy in view of the teaching of the technique by Manson.

Response to Arguments

14. Applicant's arguments filed 0/27/2009 with respect to the rejections of the claims have been fully considered and are persuasive. This Office Action has been made Non-Final in order to afford the applicant the opportunity to respond to the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAKIYA ROGERS whose telephone number is (571)270-7145. The examiner can normally be reached on M-F: 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisors, Cheryl Tyler (571)272-4834 or Frantz Jules (571)272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lakiya Rogers/
Examiner, Art Unit 3744

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art Unit 3744